



**PATENT APPLICATION**

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9/8/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yasushi ITO

Group Art Unit: 3681

Application No.: 10/092,800

Examiner: Ankur Parekh

Filed: March 8, 2002

Docket No.: 111405

For: CONTROL APPARATUS AND METHOD FOR VEHICLE HAVING INTERNAL COMBUSTION ENGINE AND CONTINUOUSLY VARIABLE TRANSMISSION, AND CONTROL APPARATUS AND METHOD FOR INTERNAL COMBUSTION ENGINE

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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AUG 22 2003  
**GROUP 3600**

Sir:

In reply to the June 20, 2003 Election of Species Requirement, claims 10 and 22 read on the elected species and Applicant provisionally elects Species IV, Figure 7, with traverse.

Claims 1-6, 13 and 18 are believed to be generic to all species.

However, the Election of Species Requirement is believed to be improper because the Examiner failed to consider or allow selection of Figures 1-11. If Figures 1-11 had been properly considered, the grouping would have been as follows:

Species I	Figures 12-14	Claims 7, 8, 19, 20
Species II	Figures 15 and 16	Claims 9, 21
Species III	Figure 17	Claims 10, 22
Species IV	Figure 18	Claims 11, 23
Species V	Figure 19	Claims 12, 24
Species VI	Figures 1, 4	Claims 1, 13
Species VII	Figures 4-6	Claims 2, 14
Species VIII	Figures 6-10	Claims 3-5, 15-17
Species IX	Figure 11	Claims 6, 18

If the Species were more properly grouped as above, Applicant would have provisionally elected Species VI from the above table which is directed to Figures 1 and 4 with traverse. Claims 1 and 13 read on Species VI and claims 1-6, 13 and 18 are believed generic to all species.

It is also respectfully submitted that the subject matter of all claims 1-24 is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid

unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement or at least the ability to elect the Figs. 1 and 4 embodiment are respectfully requested.

Respectfully submitted,



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JAO:IRV/dap

Date: August 20, 2003

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